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SUBJECT: RESPONSIBILITY TO PROTECT DEBATE CONCLUDES: AGENDA
ITEM REMAINS OPEN FOR POSSIBLE FUTURE ACTION

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¶1. (SBU) Summary: The Responsibility to Protect populations from the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity was endorsed unanimously by world leaders in the 2005 World Summit Outcome (A/Res/60/1). The Responsibility to Protect, more commonly called "R2P", was debated this week by the General Assembly as part of its consideration of a Secretary-General report on the concept. The SYG report lays out proposals for how the UN and Member States can implement what remains an intensely polarizing issue. Despite active opposition from UNGA President D'Escoto (PGA) (he stated his negative view on no fewer than five occasions), most of the 100 member states which spoke recommitted broadly to their 2005 agreement. This success was thanks to active lobbying by the "Friends of R2P" group co-chaired by Rwanda and Canada, and more discreet advocacy by the US. Only a few delegations significantly stepped back from that previous pledge.

¶2. (SBU) (Summary Continued.) USdel's goal for the debate was to prevent backsliding from the 2005 commitment, a goal shared by the informal group of "Friends". Thus, we sought to avoid any outcome that could open the door to renegotiating language or commitments. The agenda item remains open for potential future action. End summary.

PLENARY SESSION FOLLOWED BY INFORMAL SESSION

¶3. (SBU) The Secretary General summarized his report (A/63/677) and its proposals on how to implement the concept of R2P. He outlined R2P's focus on "three pillars:" the responsibility of states to protect their own populations, the responsibility of other states to assist them, and the responsibility of the international community to take "timely and decisive action" in the event a state is unwilling or unable to exercise this core responsibility to its own people. The Secretary General asked delegations to refrain from politicizing the debate, as this would reduce the discussion to "rancor instead of hope". Q&A followed in an informal session.

THEMATIC DIALOGUE

¶4. (SBU) PGA D'Escoto organized a thematic dialogue preceding the plenary debate, with the not-too-veiled purpose of leveling a critique against champions of R2P, particularly the West and most of all the US, as latter-day imperialists. He also circulated a Concept Note that argued this position. D'Escoto introduced the panel by continuing to criticize the United States, recalling the International Court of Justice ruling against the United States in Nicaragua's favor in the mid-1980s (he pointed out that no compensation has been paid). Ed Luck, Special Advisor to the SYG, spoke briefly on the importance of enforcing all Pillars of R2P and dispelling "dangerous" misconceptions that R2P would license military intervention or establish a new legal norm.

¶5. (SBU) Former Australian Foreign Minister Gareth Evans, who co-chaired the International Commission on Intervention and State Sovereignty that first coined R2P, distinguished R2P from humanitarian intervention, which he declared a "dead" concept. He stressed that R2P is rooted in our common humanity and is centered on protection and responsibility rather than a right to intervene. He emphasized the historic nature of the 2005 agreement and the imperative to make good on "never again".

¶6. (SBU) Professor Thiong'o, a Kenyan writer, focused on economic inequity as a root cause of many instances of the four crimes that R2P addresses. He praised President Obama's "development from the bottom up" approach.

¶7. (SBU) Professors Chomsky and Bricmont spoke little of R2P and instead focused on a critique of Western, and mainly US, policies. Chomsky equated R2P with humanitarian intervention, tracking what he described as similar rationales used throughout American history to justify strong states acting against the weak. Such examples included an accusation that the US (along with France and Britain) supported

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extermination in East Timor. Chomsky also called for Security Council reform, noting 43 US vetoes over the past decade, more than any other P-5 member.

¶8. (SBU) Professor Bricmont was especially hostile, arguing that the US was the "main obstacle" to effective implementation of R2P. He condemned US foreign policy, "Israeli aggression," US "harassment" of Hugo Chavez, and US missile defense systems, among a range of targets. Professor Bricmont argued that ending US power projection is necessary to restore trust in the international community and therefore effectively implement R2P.

¶9. (SBU) In the Q&A that followed this panel, the Egyptian Ambassador expressed concern about the relationship between the GA and the Security Council, and what he labeled as Council failures in Lebanon and Gaza, questioning the use of the veto in these circumstances. Other representatives voiced similar concerns (Djibouti, for example, emphatically called for "the reform we've all been seeking".)

GENERAL DEBATE

¶10. (SBU) The majority of the nearly 100 speakers reiterated broad support for the 2005 consensus, usually re-stating the "four crimes" and "three pillars." Only a few delegations backtracked substantially from their World Summit commitments: Ecuador, Cuba, Venezuela, Bolivia, Nicaragua, DPRK, Malaysia, and Sudan. Several others indicated some qualification on their previous position: Egypt (on behalf of NAM), Brazil, Pakistan, China, Qatar, Sri Lanka, Iran, Bangladesh, and Serbia.

¶11. (SBU) Several other themes recurred: an emphasis on prevention, including better use of early warning systems; the need for capacity building (including of regional and sub-regional bodies); the role of economic development in conflict prevention; enhancing the rule of law, ratification

of the Rome Statute, and the role of other UN bodies (e.g. the Human Rights Council). A few delegations also explicitly extolled democracy as a means of preventing conflict, including Turkey, Botswana, Benin, Tanzania, and the Philippines. Ambassador DiCarlo delivered the US statement. It can be viewed at usunnewyork.usmission.gov/press_releases/20090723_146.html.

¶12. (SBU) Concerns about R2P generally fell into three categories. First, a number of speakers reiterated the concern that R2P could threaten sovereignty and encourage politically-motivated interventions. Delegations expressing this concern included: Egypt (speaking for the NAM), Guatemala, Pakistan, Algeria, Ecuador, Chile, China, Venezuela, Bolivia, Mexico, Cuba, India, Sri Lanka, Jamaica, Iran, Nicaragua, East Timor, DPRK, Kazakhstan, Lesotho, and Sudan.

¶13. (SBU) Second, some called for R2P to be more explicitly defined in scope (further specifying application of the four crimes) or response (further elaborating criteria, scope, or authority for response). Speakers expressing these concerns included: Sweden (speaking for the EU), Philippines, Bosnia and Herzegovina, Japan, Jordan, India, Myanmar, Mexico, Sri Lanka, and Serbia.

¶14. (SBU) Third, some delegations expressed concern about situations where the Council was unable to act. They recalled Council experience on Rwanda in 1994, and spoke of the need to improve Council working methods, including veto restraint in situations of R2P. Speakers expressing these concerns included Singapore, Liechtenstein, New Zealand, Netherlands, Costa Rica (speaking also on behalf of Denmark), Republic of Korea, Egypt (speaking for the NAM), Jamaica, Swaziland, Bangladesh, Sudan, Solomon Islands, Gambia, Slovenia, Slovakia, Cameroon, South Africa, and Azerbaijan. Others focused on "selectivity" and bias of the Council in deciding which situations to address, including: Guatemala, Ecuador, South Africa, Bolivia, Jordan, Rwanda, Cuba, India, Iran, Bangladesh, Georgia, and Sudan.

¶15. (SBU) Venezuela delivered a harsh statement, calling

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conflict in Gaza, Afghanistan, and Iraq R2P crimes that should have been raised in the SYG's report. The representative called for former President George W. Bush and other unnamed US officials to be brought before the ICC, and accused Israel of genocide and ethnic cleansing in Palestine.

¶16. (SBU) Bolivia's statement was similarly combative, calling on the United States (along with Peru) to return Bolivian high-level asylum seekers for trial, particularly former Bolivian president Gonzalo Sanchez de Lozada.

¶17. (SBU) Throughout the week, the PGA stated his position that the world is not ready for R2P on five occasions: in his Concept Note, while introducing the thematic dialogue, while introducing the SYG's report, before the general debate, and finally in his closing remarks, when he argued that the case for R2P was "at best uncertain". (Comment: This last conclusion is not borne out by the tenor of the debate. End comment.)

¶18. (SBU) Other notable interventions included: An exchange of rights of reply between Russian and Georgia on the conflict in Abkhazia and South Ossetia; the Palestinian representative's allegations of Israeli war crimes and human rights violations and accusation of bias in the SYG's report for selectively including examples of the four R2P crimes that did not include Israeli aggression; Serbian criticism of the NATO bombings in the former Yugoslavia; the DPRK's mention of Afghanistan, Iraq, and Gaza as evidence of abuse of humanitarian intervention; and Gambia's call for a UNGA R2P committee that would, among other responsibilities, advise the Security Council.

¶19. (SBU) Comment: While the US, the Friends of R2P, and other sympathetic states would like to see the UN and UN member states work to implement R2P, our primary objective for the GA debate was to hold the line on the 2005 consensus. We thus sought to avoid negotiation over an outcome resolution that could open the door to renegotiating the original agreement. Some allies have seen this as less of a risk, notably The Netherlands and Belgium. SYG SA Luck has also advocated for a resolution. However, our assessment is that the risk of reopening the text is too high and the benefit of a resolution too limited to warrant that approach. The potential for a resolution to surface remains as long as the agenda item remains open, theoretically until September ¶14. We will watch this issue carefully and report any developments. End comment.
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